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Docket Number (Optional)

52637-0029

## PATENTING REJECTION OVER A PENDING SECOND APPLICATION

In re Application of: Bijan Treister, et al.

Application No.: 09/939,105

Filed: August 24, 2001

For: APPROACH FOR TRANSFERRING FUNCTIONS BETWEEN PARTICIPANTS IN A COMMUNICATIONS

ARRANGEMENT

The owner, <u>Bandspeed</u>, <u>Inc.</u>, of <u>100%</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number <u>10/052,019</u>, filed on <u>January 16, 2002</u>, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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